

CONFIDENTIAL MEMORANDUM

TO: PROSECUTING ATTORNEY

FROM: LISA AUBUCHON

RE: SUBMITTAL ON MARICOPA COUNTY SHERIFF'S OFFICE
DR 09-048645

DATE: APRIL 2, 2010

This case was part of a larger hindering prosecution, bribery and obstruction of justice investigation. Most of that case has been sent to the Department of Justice to investigate. However, this matter is a specific state crime violation submittal and is being sent to your office with a request that you review and follow up directly with MCSO on any matters. Thank you very much.

This particular matter was presented to the county grand jury as part of an overall investigation into local corruption. It was presented late in the day and the court made the grand jurors recess after they had requested a draft indictment. Before the grand jurors could finish deliberating at the next setting, a judge entered a stay as to one of the suspects, Gary Donahoe, so I asked the grand jurors to stop considering the matter until that issue was resolved. The stay was eventually resolved after the Supreme Court declined jurisdiction. However, in the meantime, a judge in the Mary Rose Wilcox matter made a finding that our office had a conflict and based on that finding, our office decided to dismiss the matters relating to other county officials and it is my understanding you agreed to review the Stapley and Wilcox matters. The case on Gary Donahoe was sent to the Department of Justice as part of the overall corruption investigation. However, this case is limited in scope and MCSO has submitted it for review as to the limited state crimes. If you eventually decide to go forward with charges, parts of that presentation may need to be accessed or disclosed after court order, as it is all a sealed grand jury proceeding, so I am providing you with that grand jury number, 494 GJ 156, January 4, 2010. After the presentation, requests were made by David Smith and Sandi Wilson that if cases were presented to a grand jury, they are requesting they be allowed to testify.

Thank you and if you have any questions, please feel free to contact me.

Patti Wortman, Chief Deputy
 Bryan R. Chambers, Chief Deputy/Civil Division
 Jeff Dalton, Child Support Division



Ramai Alvarez
 Carolyn Borcherding
 Pascal Brown
 June Ava Florescue
 Raymond Geisler
 Lacy Hakim
 Kyle Mann
 Wendy McHood
 James Parker

GILA COUNTY ATTORNEY

Daisy Flores

April 5, 2010

Keith Manning
 301 West Jefferson, 8th Floor
 Phoenix, AZ 85003
 Fax # (602) 506-6149

RE: Confidential Memorandum from Lisa Aubuchon and MCSO Supplemental DR#: 09-048645

Dear Keith:

Please find attached the Confidential Memorandum from Lisa Aubuchon and Maricopa County Sheriff's Office Supplemental Report to DR #09-048645. This was received by me on April 2, 2010, by FedEx delivery. I have no idea why Ms. Aubuchon would believe it is appropriate to submit this matter to me in this manner. Her memo does not indicate if she is acting at the direction of any supervisor and I am unfamiliar with what her current duties or role is with your office. Additionally, in light of the resignation of Mr. Thomas as the Maricopa County Attorney I cannot assume she has the authority to seek conflict counsel on behalf of your office at this time.

Ms. Aubuchon specifically requests that my office review the matter and "follow up directly with MCSO on any matters." At no time has my office been requested, nor have we accepted, as a conflict matter the review of any allegations as to Sandi Wilson, Stephen Wetzel or Andrew Kunasck. The agreement my office has with Maricopa County Attorney's Office is that we will review only the Donald Stapley II and Mary Rose Wilcox matters. We also agreed all communications will occur solely through you. All involved with this matter understand that there needs to be a true separation between the Maricopa County Attorney's Office and my office so that there is no appearance of interference or impropriety.

I am returning this file to you for processing and I have copied Ms. Aubuchon herein. My office has made no charging decision in reference to this matter and we will not be contacting the Maricopa County Sheriff's Office to discuss this matter. As Ms. Aubuchon was significantly involved in the original Stapley and Wilcox matters conflicted to my office, I would respectfully request that Ms. Aubuchon not initiate any communication with my office on any matter. If we wish to contact any Maricopa County Attorney's Office staff, we will make arrangements directly through you. I appreciate your attention to this matter.

Sincerely,

Daisy Flores
 Daisy Flores
 Gila County Attorney

cc: Lisa Aubuchon

Globe Main Office:	1400 E. Ash Street, Globe, AZ 85501	Phone: (928) 425-3231 Ext. 8630	Fax: (928) 425-3720
Globe Downtown Office:	155 S. Broad Street, Globe, AZ 85501	Phone: (928) 425-4120	Fax: (928) 425-9797
Globe Child Support Office:	157 S. Broad Street, Globe, AZ 85501	Phone: (928) 425-4464	Fax: (928) 425-7520
Payson Office:	714 S. Beeline Hwy Ste. 202, Payson, AZ 85541	Phone: (928) 474-4068	Fax: (928) 474-9066

Patti Wortman, Chief Deputy
Bryan B. Chambers, Chief Deputy Civil Division
Jeff Dalton, Child Support Division



Ramai Alvarez
Carolyn Borcherding
Pascal Brown
June Ava Florescue
Raymond Geiser
Lacy Hakim
Kyle Mann
Wendy McIllood
James Parker

GILA COUNTY ATTORNEY

Daisy Flores

April 9, 2010

Detective Abrahamson
Maricopa County Sheriff's Office
100 W. Washington, Suite 1900
Phoenix, AZ 85003

RE: MCSO Supplemental DR# 09-048645

Dear Detective Abrahamson:

Please find attached the Maricopa County Sheriff's Office Supplemental Report to DR #09-048645 and CD submitted to my office by UPS Next Day Air and received on April 8, 2010. I have no idea why this was submitted to my office. Last week Ms. Aubuchon, Deputy Maricopa County Attorney, also submitted the same report to my office. The report was returned to her with no action taken. Neither your report, nor Ms. Aubuchon's letter, indicated if this submittal is at the direction of the Maricopa County Attorney.

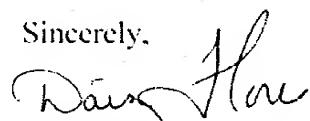
Ms. Aubuchon specifically requested that my office review the matter and "follow up directly with MCSO on any matters." At no time has my office been requested, nor have we accepted, as a conflict matter the review of any allegations as to Sandi Wilson, Stephen Wetzel or Andrew Kunasek. In light of the resignation of Mr. Thomas as the Maricopa County Attorney I cannot assume this submission has been authorized by the Maricopa County Attorney's Office and without a thorough discussion with the new Maricopa County Attorney, once appointed by the Board of Supervisors, we will not be accepting this matter for review.

The agreement my office has with Maricopa County Attorney's Office is that we will review only the Donald Stapley II and Mary Rose Wilcox matters. My office is only communicating at this time directly with Keith Manning from the Maricopa County Attorney's Office regarding the matters we have accepted as conflict cases. All involved with this matter understand that there needs to be a true separation between the Maricopa County Attorney's Office and my office so that there is no appearance of interference or impropriety. Additionally, at this time we have only begun to review the large amount of documents associated with the cases that we have accepted and we have not determined if there is a need for additional follow-up or need for clarification from your agency. Once we get to that point we will arrange through Mr. Manning how best to coordinate any assistance we may need from your agency towards making a charging decision and if charged, prosecution thereafter.

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I am returning this file to you for processing as you see appropriate and I have copied Mr. Manning and Sheriff Arpaio herein so both are aware we have returned this to your agency. Again, my office has made no charging decision in reference to this matter and we will not be taking any action in relation to this matter. I appreciate your attention to this matter.

Sincerely,



Daisy Flores
Gila County Attorney

cc: Keith Manning, Maricopa County Attorney's Office
Joe Arpaio, Maricopa County Sheriff